IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.72055-M of 2006
Date of Decision:- 23.1.2007

Ravikant Sharma ....Petitioner(s)

through
Mr.R.S.Ahuja, Advocate

vs.

State of Haryana & ors. ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a convict under Section 302 read with 392 IPC, is aggrieved at the order dated 1.8.2006, denying him parole for house repairs.

The petitioner has been denied parole on the ground that he is a person of criminal bent of mind, whose neighbours are annoyed with him and there is apprehension of breach of peace if he is released on parole.

To counter the above-stated reasons, learned counsel for the petitioner has relied upon a certificate purported to have been issued by the Municipal Councillor wherein it is stated that the petitioner's house is in bad condition which requires repairs and except his old mother, no one other is there who can get those repairs carried out. The Municipal Councillor has also assured that there is no breach of peace if the petitioner visits the village.

On a query by the Court, it is not disputed by learned State counsel that no other case has ever been registered or is pending against the petitioner.

From the impugned order, there appears to be no dispute that the petitioner's house is in bad shape and requires repairs and, thus, falls within the ambit of Section 3 (1) (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

It is also not the case of the respondents that the conduct and behaviour of the petitioner while in jail is unsatisfactory.

It, thus, appears that the apprehension expressed by the Competent Authority in the impugned order has no factual basis and the petitioner's case requires reconsideration.

Consequently and for the reasons afore-stated, this petition is allowed; the impugned order dated 10.7.2006 issued on 1.8.2006 (Annexure P-1) is quashed with a direction to the Director General of Prisons, Haryana to reconsider the petitioner's request in the light of the observations made here-in-above and to pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

January 23, 2007 **(SURYA KANT)**
poonam **JUDGE**